

The departmental budget review reconvened on April 9, 2010 at 2:29 p.m., and proceeded as follows:

(Mr. Chang was noted present. Council Chair Asing was noted excused.)

Mr. Kaneshiro: The Budget & Finance Committee will again, I will call this meeting back to order to start the budget review process. For the record Mr. Chang is here, Councilmember Chang and also Mr. Asing, Chairman has been excused for this part of the hearing, he had to... he had another engagement to go to so with that I will... go ahead, let's see start with the Prosecutor's Office and good afternoon.

SHAYLENE ISERI-CARVALHO (Prosecuting Attorney): Good afternoon Chair Kaneshiro, member of the County Council, it's a joy to be back here once again, it's a little bit different sitting on this side of the table then on the other side of the table. I'd like to also at this time thank the staff that I have here today which is Cindy Johnson, she my Departmental staff assistant and will be readily available to answer any question that the members may have as well as Jamie Chung whose our grant coordinator, they heard... they rushed to prepare the presentation, we were not informed until about 7:00 this morning that we were on for budget hearing today, I called the Mayor's Office at 7:00, spoke to the Mayor at 7:12, it was at that time that I learned that we were required to be here and so it is quite (inaudible) that we had prepared this presentation, if there are further questions that arise from this presentation by all means, I'm available by phone and email and you can reach me that way.

I did some basics, I also notified the Council staff, I called Mr. Kawakami to inform him that we would be running a little late because we had just got a notice that we were set to be prepared to present you what we are requesting for our budget.

The Prosecuting Attorney's Office is an elected office, accountable to the people of Kaua'i. The rest of the Attorneys serve as exempt employees. We also have various types of clerical staff that we use as support services. We service a huge numbers of members in the community, victims, defendants, services providers, judiciary and by serving defendants I mean a lot of defendants call our office inquiring about their court date and the status of their cases which we provide as well as the Police Department and the Sheriff's Office that act as support services. We receive hundreds of calls a day and emails, we also handle over four hundred (400) cases a week. We have an office of approximately thirty (30) employees that includes all of the staff, the attorney, the clerical staff, the grant coordinator, service investigators, and process server.

Our office is unique in at certain respect and that we are responsible to handle all criminal cases except those of which we have a conflict of interest in. We are prohibited by law from hiring special counsel when a complex case occurs. And therefore the quality and the level of experience of the attorneys that we hire must be at a very experience level because we would be responsible for handling those cases, it is very rare for our office to have a conflict of interest, especially now with the budget cuts at the Attorney General's Office which usually would prosecute conflict of interest cases, they have scrutinized and in fact we have not had really any felony cases that they have handle. We handle those cases by what we call a term of art in the law community as Chinese wall and what that does is that that attorney, if there's a conflict in the office, another attorney in the office handles the case but the case is totally locked up in the drawer of that particular attorney where the other attorney that has a conflict, has no access to. We are also unique too, the economy really has an inverse relationship with our workload, when the economy goes bad, and our caseload escalates and we will see as we go through this presentation that just the crime on Kaua'i as well as across the State and the Nation has increased exponentially because of the financial crisis, people are doubling and tripling up in homes, there is not privacy, loss of jobs lead to assault and behavior and the like. What we have seen is an escalation in violence. The severity of these types of crimes has increased usually in the past we would see assaults that would be engaged with fists, and now

we're seeing machetes and guns, where cars and non-occupied... tourist cars and hotels were broken into, now we're having residential homes from Hā'ena all the way to Kekaha being broken into. We also have a numerous amount of Hotels that are being broken into with tourist that are actually in the hotel themselves at the time that the break in occur. Clearly these intrusive types of offensives are occurring on a daily basis here. It's affecting the health and safety of human lives. We have had a numerous amount of accidents and homicides if you have read in the paper, we've taken an active increase in ensuring that the roads are being kept safe, that speed limits are being looked at to be reduce where we can to again increase the level of safety of our resident's and nonresidents on the road. Crystal Meth continue to be the drug of choice, it continues to permeate and effect negativity of course every household on Kaua'i whether it's a relative, a friend, a friend of a family, clearly all of us have seen the kind of negative impacts that drugs especially Crystal Meth have done. We have also seen a huge peek in the amount of prescription drugs that are being used, especially by our teenagers and those in the Middle School. As we have discussed when I first took office back in December of last year, one of the primary objectives was to try to bring charges, we had a huge backlogged of cases that we addressed and continue to address. We have grants that require us to review cases immediately and no longer than thirty (30) days that is a benchmarked that we've been able to keep in at least ninety percent (90%) of the grant moneys that... grant... I'm sorry activities that we have place as benchmark. It is though extremely difficult with our small staff and the continually increase in the number of cases.

Just to give you an idea of the difference and the types and the amounts of cases that we have received, if you look at Circuit Court and Circuit Court are the kinds of cases where you would have felony cases anywhere from murder, property crimes, burglaries, entering into, motor vehicles, assault seconds, robberies, property crimes, credit card thefts, identity thefts, those are your felony type of cases. You also have misdemeanor jury demands on a abuse type cases, restraining order violations and misdemeanor assaults. But in the type of felony cases, just in the Circuit, if you look at the figures the amount of cases that was started, the amount of cases that were filed, we filed over a hundred more cases just in the Circuit Court level and then when you look at the total case load from the Administration before me and the current Administration, a thousand fifty-nine cases, versus fifteen hundred cases, so about a fifty percent (50%) increase in cases just on the felony level. What I'd like to point out in these types of cases well if you look at Juvenile there's been almost a hundred fifty percent increase and the total amount of Juvenile cases that we've handle. We initially had filed cases of a thousand one hundred, we filed two thousand two hundred, the total cases in the prior Administration was one thousand six hundred fifty-one, last year alone, we filed four thousand one hundred cases, again a hundred fifty percent increase in Juvenile cases filings. District Court, this is District Court, Criminal cases... these would be your criminal property damage that were under a hundred dollars, theft under a hundred dollars, we also have assault thirds where there's no substantial bodily injury, we increase cases and this shows an eighteen percent (18%) increase in just the Criminal cases. When we deal with traffic criminal cases, your DUI's, or we now refer to them as OVUI's and we look at reckless driving and intention to driving and driving with suspended licenses, those types of cases. There were over twenty thousand cases last year again this is in the District Court section. So when you look at the total amount of volume, it's really exponentially increased and just to give you an idea of the amount of increase, for example, here we... the way that stats are figured is based on a single case or date of incident so if there is a single defendant, he enters into a house, burglarizes a house, steals a wallet from one of the residents from the steals in the wallet there's a credit card, uses the credit card at Wal-Mart, they'll be five (5) or six (6) cases generated from that because what will happen is you have the burglary, that includes the victim of the house that he entered into, the owner of the property that the theft has taken place, each owner has to come and testify as to each item that was taken, so in all these cases you would multiply especially with for the property crimes and then they use that credit card that they stole, that's another criminal offense and if the value of the item that they used that credit card on was over three hundred, that's another criminal offense. And so you can see how there's this snowball effect and this is representative of only one (1) incident but in that one (1) incident, you

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might have five (5) to ten (10) witnesses and you might also have five (5) to ten (10) or even twenty (20) additional charges. If you again look at this the numbers that increase more than one and a hundred fifty percent times and yet our level of staffing has not increased to handle this additional case load.

I think what's important, I know when I sat on the Council, I always to look at what was the other counties, how were they handling this type of increase in crimes because clearly as I indicated crime has increase exponentially not only in our county but in other counties, in the entire State and in other counties and the rest of the Country. If you look at the amount of attorney's that we have for Kaua'i based on our population and this was the last census that we have in 2005 number that we had, there was a population of about sixty-two thousand (62,000) and we only had less than six (6) attorneys, currently right now fifty percent (50%), almost fifty percent (50%) attorney's are grant funded. So the county pays for here less than six attorney's and this includes the attorney, the Prosecuting Attorney, myself as well as the First Deputy so there's really only three and a half working attorney's in essence is what compared to other jurisdictions because on Hawai'i and Maui, the Prosecutor does not handle any caseload where here I handle a full caseload and in fact I was just preparing for a... I do all of the sex assault, child sex assault cases, as well as the murder cases, I just was preparing for a jury trial on a sex assault that's on Monday, we also have a juvenile sex assault on Wednesday, next week I have another sex assault case that's coming up for trial and in two (2) weeks another sex assault case that's coming up for trial. And so clearly our staffing needs are tremendous and we have been deficient for a very long time especially when the increase of caseload and imparity when you look at the different counties, Hawai'i if you even multiple and made Kaua'i double of its... or compared to Maui at a hundred and thirty-nine thousand, if you doubled the amount of population and increase our staff double, we should have at least ten (10) county funded attorney's to be on parity to what Maui and Hawai'i has had. And the question has always been posed in other counties, their looking at trying to induce furloughs on different types of occupations and even on the attorney's, here we would simple not be able to absorb that cost when you look at how deficient the amount of attorney's that we currently have. We already have five (5) court rooms that operate on a daily basis. And the attorney's including myself are in court every day Monday through Thursday, Friday's are usually furlough Friday's at the Circuit Court which allows us time to interview the cases... interview the witnesses for our various cases. But a lot of time is spent on the weekends trying to run down your witnesses and interview your witnesses. Again you know Kaua'i five point seven five attorney's, Hawai'i has twenty-seven attorney's and Maui has twenty-five attorney's.

Our Legal Clerk Staffing again totally deficient when you look at the amount of population and imparity with the neighbor islands counties of Hawai'i and Maui. The county funded positions, we have six point four five county funded positions, again if you double that to be on parity with Maui County, Maui County has about twenty-five, so even if we doubled to or added three (3) more positions, we would clearly be way deficient compared to Maui. If we tried to parallel with the amount of population that we would have in each county. Hawai'i County has twenty-two, again Kaua'i County has six, not even seven (7) Legal Clerk positions.

Grants... as I indicated earlier we have about fifty percent (50%) of our attorney's are by grants. About a third of our staff is set on grants, so again our office is very unique from other Agency's because they do not rely as heavily on grant funding as we do, we already as I will show in one grant have had a serious reduction in the amount of grant funding that we've received. Property crime prosecution, domestic violence, each of the grants and this is by language of the grant, we are limited to requesting grant funds for these types of programs for only a four (4) year period, this grant started before I came in, the end date for these grants on the property crime is December 31, and the domestic violence on August 31, this is the end date, that means we can't apply for... we are prohibited from applying for grant funds to substantiate these two, if do not have continued... county funding for these programs, these positions will be lost because the maximum term we can apply is

four (4) years and this is the end date of the four (4) years. It does say like how when we had the COPS program, I know a lot of the Councilmembers are familiar with that, where the Police Officers have placed cops in the school, they receive funding for a period of three (3) years and after the third year, the county is expected to follow up likewise, this is the same scenario, the justice assistance grants which is similar to what the COPS grants were, is that they are used to support and pilot new initiatives only, so after the four (4) year period, the forty-eight (48) months, we are required to obtain county funding or seek other funding for these types of programs. If we look at the next slide, this is the career criminal prosecution unit and what's unique about the Career Criminal Prosecution Unit is that this is the only unit that is dictated by law, this under HRS Chapter 845, it requires each county to setup a Career Criminal Prosecution unit, the State partially funds it, of course not entirely. If we look at the funding, in 2006-2008 they gave the Career Criminal Prosecution unit a hundred and sixty-six thousand, last... in 2008-2009 it went up to two hundred and five thousand, and last year it went down almost fifty percent (50%) to a hundred seventeen thousand dollars. This year, currently we had gotten word that it was going to be cut about seventeen thousand from last year, over a hundred thousand dollars from the year before to a hundred and one thousand however, this is still in the conference Committee stages, the House proposal is that it be cut further to eighty-four thousand, the Senate proposal is fifty thousand. This Career Criminal unit again is one of the unique units that are set up by the State, it's one of those unfunded mandates by the State, they require you to setup this unit, but they don't provide sufficient funding for you to operate this unit. What is a Career Criminal? A Career Criminal is treated differently than any other Career Criminal because it doesn't distinguish between the volumes of the crime; clearly they commit crimes, a lot of these while they're on probation or while they're on parole for other prior offenses. But the distinguishing factor of a Career Criminal, it doesn't distinguish between doing only property crimes, doing only offense against person crimes, it is indiscriminate to the type of crimes that this person commits. They traverse all boundaries, they commit in one incident, property, drug, assault, firearm cases... a lot of times that would be familiar scenario where we would have a person get caught with Crystal Meth, they do a search warrant on the car, they find a firearm, it's a loaded firearm, we found out that this person is been on probation before... so these are one of the types aside from the murders and the sex assaults, one of the highest, serious kinds of the criminals that are at the utmost danger and therefore you can see the value in making sure that this unit is preserved especially that its dictated by Statute except that again it is one of those that the State has decided on reducing its funding quite significantly from last year and again this year.

So what have we been doing as a unit that basically I came in office you know about a year ago in trying to restructure, I was here before the County Council last year, where I already started because we had in January a meeting with the law enforcement coalition which is comprised by all of that Prosecutors, all of the... for each county the four (4) Police Chiefs, the Department of Health, Department of Public Safety, as well as the Attorney General's Office, and we were given a presentation by the Attorney General Mark Bennett that in fact we were already we were going to be looking at over a two hundred million dollar deficit and we were directed to make cuts where we felt that we could make cuts without compromising public safety. And this was here where we did an analysis of the amount of Victim Witness Counselor's because we had five (5) Victim Witness Counselor's and when we compared them to the other Counties, we were two and a half times more Victim Witness Counselor positions given the population than in any other county and that was where we felt that we could afford at that time because of the (inaudible) cases, we could afford to not fund those positions and this was again with a proactive role in trying to restructure the office to ensure that the office would still function despite the cuts. By doing that we really saved, and I'll go into our salaries, the amount of money that we saved with that restructuring of those two (2) employees'. We have also for the first time when we took office charge a fee for discovering documents. What this entail was previously all of the Xeroxing of all of the police reports, the time that it took, the maintenance cost of the machine and the toning, etc., was born by the Prosecuting Attorney's Office, and we made discovering for everybody, every defendant, every... if the court's wanted it, every defense attorney, we did all of the work for that and it was only when I took office

that we decided to charge a fee for these discovering margins which has resulted in numerous savings financially but also the time it gave up each Clerk on average about two (2) hours of their time in not having to make this discovery available without any charge to the defendants and the defense council. Expert Witness fees, previously there was a lot of Witnesses been flown in, unnecessarily you know, there were thousands of dollars that we spent in expert fees and other Witnesses flying in, we took a proactive role again in limiting the Expert Witnesses. And doing a lot of conferrals over the phone as oppose to having them fly in, and saved a lot of money there and it is reflected if you look at the amount of money that we spent for the commodity section for... to take care of Expert Witness because we did not fly in a single Expert Witness during this entire year. We took advantage of free training opportunities, and I say free... free to county where it was paid by JAG funds or the Juvenile Justice grants or things like that that would pay for the training so that our attorneys were (inaudible) of the current laws and movements of the types of cases that they were handling but again it did not result in cost to the county.

If you look at the salary savings that we engaged in from 2009 to what is projected, the amount of salaries that we saved, that were attributed to our office but through succession planning and hiring quality employees at less salaries, the first year we saved already, and by the restructuring of the office over a hundred and sixty-one thousand. This what is projected for this year is two hundred ten thousand and than in next year eighty-three thousand and this includes the salaries, salaries would include as indicated below you know premium pay, social security, health fund and all of the benefits that are associated with the salary cost. Especially important again we had talked about succession planning, it was very difficult when you first come into office to have an attorney that goes to court not knowing the court system or the specific unique operations of the Kaua'i Court system because it is very much different between counties as it is different between different State's. So what we encouraged was to have people who are qualified that were waiting to pass the BAR, that had licenses in other States, so they already practiced in other States, but at a serious reduction in salaries so they were... they came in law clerk salary but they were able to build during this time relationships with the Police Department, Sherriff's Department, as well as again the Court Personnel. That made it a lot easier than having an attorney come off the plane and start practicing because they do not have the luxury of time and having to engage in relationships with the Court Staff or the Police Department because their constantly in Court.

Regarding the furloughs at this time, the concern that I have and I would raise initially was that there was a reduction of a hundred twenty-eight thousand five hundred in our budget, at this time... I do not know what that is attributed to, I do not know what the formula was in order to arise at that figure. I had some preliminary discussions with the Mayor, he has indicated to me that there is no definitive formulated plan at this time but he is committed to meet with me next week to go over this issue and therefore until I have that discussion, it is something that I'm not going to be going through. What I am trying to bring to the Council's attention is of course the current under staffing regardless of what the furlough plan is and that it would be at this point, the service it would be again difficult for us to maintain the level of hours that our attorney's and staff are working without compromising public safety because we are so deficient as it is with the amount of staffing needs that we are seriously wanting. Our Department is one of public safety, like both Police and Fire you know it's very essential that our office keeps functioning twenty-four, seven, why is this? Because we cannot predict when crime is going to happen, it's not like any other offense I mean when it happens you need to be there. There are also specific constitutional rules that we are required to follow, one is that they are required come to court within forty-eight hours of the date that they are arrested, we need to be there. We have... or else they gets released from custody and that has happened in several cases, unfortunately because we were not able to get the police reports in time, to make sure that these people were arraigned within forty-eight hours, it has actually cut down to twenty-four hours when the court did their furlough plan because they were not opened on Fridays, so if a person was arrested on a Wednesday, we'd be forced Wednesday afternoon at 1:00 we had a hearing and I mean we have an arraignment and then at 1:00 of Thursday we're required to

have all of our witnesses present to put on a preliminary hearing to establish probable cause to keep that person in custody. Again it's very difficult right now when we look at the Police Department because the Police Department are not going to experience any furloughs, they're under a contract that they will be getting seven percent I believe as negotiated, if the police is out there, the only thing the police can do is arrest the person but the person cannot be held in custody until our office files the paper work with the court, in order for them to be held in custody so it defeats the purpose that the police are out there arresting people if our office is not there available to prepare the paper work and to get it filed within the timely fashion. We are also experiencing a lot of problems with cases because we are required to bring cases to trial within a period of six months or the case gets automatically gets dismissed, that has been a problem in the past and consistently now with staff shortages we will be experiencing, we've been trying to work over hours, a lot of extended hours our attorney's work anywhere from seventy to eighty hours a week and so it would be again extremely difficult if we do not get any additions to support the increase in the crime that has already taken place.

Conclusions... we were given a directive by seven percent, it was evident by what we had proposed that it's really impossible for us to do it without again compromising public safety. We also have the added problem because we have time limitations in order for us to prosecute cases, constitutionally. We are looking at, at this point if we do not have additional staff that is provided, that we are looking at limiting our ability to prosecute the petty offenses because we need to concentrate on the most serious offenses which is the felony offenses, so at this time without the resources or additional resources provided, we may see a point which has happen actually on Maui where the public defenders refused to represent people because they didn't have the necessary staff and the court was appointing attorneys, here we don't have that luxury, what will happen is that we would not be able to... we would have to prioritize the type of cases that we prosecute and these petty misdemeanor cases are those that are of a lesser severity but clearly very important from a victim prospective and a community prospective. But again with these unfunded mandates and the cuts and the grant funding, we simply cannot handle as much as we would like to do it, with the current staffing that we have. And that's the end of my testimony, so if you have any questions by all means.

Mr. Kaneshiro: Thank you for that. I want to thank you also on the part about where you're going to be meeting with Mayor later to discuss about the furlough plan and I know you weren't here earlier but I did mention before we started our hearings that in April, we haven't posted, we're going to post a time, when we're going to be bringing that discussion before this body.

Ms. Iseri-Carvalho: Oh great.

Mr. Kaneshiro: So and I appreciate...

Ms. Iseri-Carvalho: That would be wonderful.

Mr. Kaneshiro: And I did speak to my colleagues in that regards to so at that time we will probably spend the day having discussions as you know...

Ms. Iseri-Carvalho: Thank you, I appreciate that Mr. Chair.

Mr. Kaneshiro: Alright at this time...

Mr. Furfaro: Chairman, I think you should let her know, you tentatively blocked April 20th.

Mr. Kaneshiro: That's correct.

Ms. Iseri-Carvalho: April 20th?

Mr. Kaneshiro: I don't have the time down as of now, but we're working on that and it will post as an agenda item.

Ms. Iseri-Carvalho: And maybe we could ask... I think what has been a problem in the past has been that... because the Prosecutor's Office is an independent office although sometimes the Council and other's may see it as an arm of the Administration, they send the Administration notifications and because we are not on their email list, we don't get a lot of the documents that go to the Administration and so that probably is why we were not notified of today's hearing...

Mr. Kaneshiro: Okay.

Ms. Iseri-Carvalho: So I would ask the Council if there's any meeting set, to send it directly and we have prosecutor@kauai.gov is real easy and we check that. So that might be the best way for us to get notification.

Mr. Kaneshiro: And I apologize for that mix up and I want to really get your hats off to your staff for putting...

Ms. Iseri-Carvalho: Excellent staff.

Mr. Kaneshiro: Getting this information to us...

Ms. Iseri-Carvalho: They skip lunch too.

Mr. Kaneshiro: And I thank you for that and we'll see that we get the communication's over, especially an agenda items that the... brings in the Department's that the... to the Council so thank you for that. I'll open it up at this time for questions or comments at this time. Mr. Furfaro.

Mr. Furfaro: Shaylene thank you for the presentation.

Ms. Iseri-Carvalho: You're welcome.

Mr. Furfaro: I... you got a lot of good statistical information in there and I assume that we will be getting a copy of your PowerPoint?

Ms. Iseri-Carvalho: You have.

Mr. Furfaro: Oh I do?

Ms. Iseri-Carvalho: You do.

Mr. Kaneshiro: Yes we do. Sorry about that.

Mr. Furfaro: Oh! I put it over there, I'm sorry.

Mr. Kaneshiro: Yes we have it here.

Mr. Furfaro: I was stuck doing the math. Okay so I mean there are some very interesting for example if you look at some of these numbers, you basically had about a twenty-seven percent increase in your filings compared to previous years, previous office but in the Juvenile section, you had a hundred sixty-four percent increase in cases... that is... that is very concerning especially after you told us what's going to happen with some of the Justice Assistance Grants, and could you expand on that a little bit more for me... there's a four year period that we're going to be exhausting that application?

Ms. Iseri-Carvalho: That's correct. Yeah, so if you look at the... what happen is that we actually would have, we have one more year to apply and that's for the continuation from July 1, yeah July 1, 2010, we were fortunate because we actually had expended our time in one of the grants when we had recovery funds, so they gave us that but they didn't count that twelve (12) month period, so they actually gave us an additional year. But we have been told, actually time and time again that the grant funding is seed money I mean it's basically meant as to do new initiatives and then it's up to the County to support that program and continue with funding.

Mr. Furfaro: And I did, I did define that as the right program right, the Justice Assistance Grants.

Ms. Iseri-Carvalho: We have, yeah... yeah.

Mr. Furfaro: And then there was one (1) more...

Ms. Iseri-Carvalho: CC the Career Criminal, that's the one that's State funded... well... minimally State funded.

Mr. Furfaro: Okay very good, thank you Mr. Chair... I'm going to submit a question for the April 20th question... I have no more for now I do want to ask a question as it relates to something that came up in Economic Development. We have... we, the County of Kaua'i fund some of the support for women shelter and sexual abuse...

Ms. Iseri-Carvalho: Hold on.

Mr. Furfaro: (inaudible) program, I'm sorry... sexual assault and we contract that out but we have in the past funded about ninety-seven thousand dollars (\$97,000.00) total for that and I think in our Administrative adjustments, we might be looking at lowering that at about twenty-five thousand combine but it seems from the case load that you read to us, we are experiencing a lot of these violent assaults and sexual assaults and I'm very concerned that the State is doing the same...

Ms. Iseri-Carvalho: Yes...

Mr. Furfaro: With their portion of the funding, so I might be sending over a question about some statistical information on assaults on women and this sexual abuse on the island so I'll send that over to the Chair.

Ms. Iseri-Carvalho: Definitely.

Mr. Kaneshiro: We'll go ahead and forward those questions over to you and give you some time to research and get back with some answers for us.

Ms. Iseri-Carvalho: And that was one of the things you know, when we come in as an individual department, we have access to of course our you know budget for your department and

in fact it was brought to our attention by the Finance Director that there were other funds that were coming out from Economic Development and so we followed up to see, ensure that we weren't duplicating the services that were being, the funding that were being provided from Economic Development and the funding that was being provided by the Prosecutor's Office as a sub-grantee. We... their funding on what we provide to the YWCA is going to be cut about fifty percent (50%) so it... for last year we gave family violence shelter to provide crisis services, fifty-five thousand (55,000), this year we're expecting to give twenty-four thousand (24,000). Our sexual assault treatment program was forty-five thousand (45,000) and again these are to provide services that our office are unable to provide, we talked about the crisis counseling, especially... and the twenty-four/seven hotline and the immediate again services that they provide. On the 2010, it's twenty-two thousand (22,000), so approximately fifty percent that we used to provide, we won't... we can't afford to provide that to them this year.

Mr. Furfaro: And like I said I think first blush, the funding from Economic Development is planned to be down about thirty percent (30%), so I'll send out a question on statistical information.

Mr. Kaneshiro: Okay. Any other Committee members with questions? Go ahead Councilmember Kawahara.

Ms. Kawahara: Good morning Prosecutor Shay. I don't know what to call you.

Ms. Iseri-Carvalho: Shay is fine.

Ms. Kawahara: It's good to see you here. I remember last year when you were here about the same time, we were discussing the Hoku system and how you guys were being upgrading to something else, was... is that... was that going to be upgraded that you were going to be able to get more and more specific statistics?

Ms. Iseri-Carvalho: Yes. It wasn't... it was the same system but what had happen is that because IT was not involved in the creation of the system, they were not familiar with how to abstract data so we were imputing data in the pass Administration but weren't able to abstract the data. What we did was we are able to abstract the data but what was happening is that the stats were being counted in the past, was not the way the grants required the counting to be done, so we had to... in fact we flew in Charles who came from Honolulu Prosecutor's and he adjusted that and worked with Mabel from IT and we are able... what we did was to ensure that the grants was being, I mean the stats were being calculated correctly is we actually hand counted for a six (6) month period on the DV... do you have the DV stats? And we actually hand counted to match with the system to ensure that the data that was being pulled from Hoku was the information that was required to be counted by the grant and we've done that, so we've provided that last six (6) month report for the DV grants... the ones that we counted, we provided that as a check list to the AG's Office which is the (inaudible) grant person and you know we've been pretty successful, we actually had a ninety-six percent (96%) conviction rate on domestic violence cases.

Ms. Kawahara: That's great, that's really good to hear. So it also helped you determine how much of your staff was doing work from grant work, how many are staffed by grant...

Ms. Iseri-Carvalho: Yes.

Ms. Kawahara: And...

Ms. Iseri-Carvalho: Well only the grant.

Ms. Kawahara: Would you be able to provide us a breakdown of the staff here, the percentage breakdowns on what's on grant funding and what's on County funding.

Ms. Iseri-Carvalho: Yeah. We actually have it here.

Ms. Kawahara: Is that something I have? Because I have this... Did we get something else?

Ms. Iseri-Carvalho: So I have this chart here and I can tell you on the county funded, the grant funded we have the four (4) funded attorney's, the clerical staff, we had four (4) clerical staff we had one (1) investigator and one (1) victim witness counselor.

Ms. Kawahara: Thank you.

Ms. Iseri-Carvalho: So ten (10)...

Ms. Kawahara: So we'll be sure to get copies for...

Mr. Furfaro: Copies for all of us.

Mr. Kaneshiro: Can you make that available to us?

Ms. Kawahara: Because I know that I saw a lot of the funding comes from grants...

Ms. Iseri-Carvalho: Right.

Ms. Kawahara: And that you use that...

Ms. Iseri-Carvalho: A third of the funding, a third of the funding from our office is grants. Fifty percent are Attorney's, pretty much.

Ms. Kawahara: Okay. The other questions I had... does it also share with us what positions you have vacant?

Ms. Iseri-Carvalho: Yes it shows on that form. You made a copy?

Ms. Kawahara: The one that... getting copies?

Ms. Iseri-Carvalho: Yep.

Ms. Kawahara: Okay and is there a percentage that at the top of your head how much percentage of your positions is vacant?

Ms. Iseri-Carvalho: We actually have one (1) position that is vacant which is the First Deputy position.

Ms. Kawahara: Oh okay.

Ms. Iseri-Carvalho: The other vacant position is one that is reserved because it's an attorney position and we only have funding for a law clerk, so if you look at position number 9093, that position is reserved... is it (inaudible)?

Ms. Kawahara: Law Clerk, 9093?

Ms. Iseri-Carvalho: 9093, yeah.

Ms. Kawahara: Is 105, okay yeah... there's...

Ms. Iseri-Carvalho: Yeah so you see...

Ms. Kawahara: So that's vacant.

Ms. Iseri-Carvalho: Yeah.

Ms. Kawahara: Reserved?

Ms. Iseri-Carvalho: No that that position is filled right now.

Ms. Kawahara: Okay.

Ms. Iseri-Carvalho: But one of these 43 or 44, I can't remember which one is the one that it has to be reserved, she is anticipated to pass the bar in July and we need that position open so there's no break in service and she's able to go from a law clerk into an attorney position.

Ms. Kawahara: Okay I'm familiar with that kind of stuff. When you get them fresh right out. Okay... the other question I had because last year there was a fifty thousand anticipated higher claims due to turnover in appointed attorney's was fifty and this one is twenty-five...

Ms. Iseri-Carvalho: Yeah.

Ms. Kawahara: So that goes to? What is that money for, when you have a turnover?

Ms. Iseri-Carvalho: It's when they claim unemployment.

Ms. Kawahara: Okay. And then last year was larger than this year, you're not expecting the same amount of turnover?

Ms. Iseri-Carvalho: No. What usually happens and this is a projection based upon taking on a new Administration so there's a certain percentage that people calculate as to when a new Administration comes in, they put all their new people that the people that leave are going to be entitled to certain kinds of unemployment compensation.

Ms. Kawahara: I see, okay.

Ms. Iseri-Carvalho: And so because this is the second year of the term we don't expect people to be as high as the initial term when everybody was basically was... except for like two people were given resignations.

Ms. Kawahara: Okay great and when we were here last year we were also talking about the trending towards more serious crimes and more crimes themselves, so it's seems like that did come to pass and you had said that you expected that your attorney's and your office would be able to handle it with the people you had in place so is that still...

Ms. Iseri-Carvalho: No... I actually asked for attorney positions last year... they were not provided but I asked for them because I said we could not do with the increase that we were expected to have, however last year... we did not... I was here six (6) months before I came for the budget so the budget was already preplanned six (6) months of my budget had already been spent before I got into office. But I did ask for two (2) attorneys and I didn't get it so... and that was again predicting the amount of increase and the trends that were happening across the country. This budget I did provide you the stats that panned out with my prediction.

Ms. Kawahara: Okay. And then I'm going to probably have question later on this stuff, so thank you.

Ms. Iseri-Carvalho: Sure.

Mr. Kaneshiro: Okay any other Committee members have questions? Go ahead Councilmember Chang.

Mr. Chang: Thank you. Good afternoon Shay. Prior to you taking over in 2008 referring to page six (6) and seven (7) in regards to the County funding Deputy Prosecuting Attorney's and the legal clerk type positions, would you know offhand in 2004 and perhaps in 2006 what those figures may have been? Because obviously you're blow us.

Ms. Iseri-Carvalho: I think it was the same.

Ms. Chang: But it was the same?

Ms. Iseri-Carvalho: It was the same, I don't think they had increases in their positions... because I believe we did run the numbers and that's why when we did the parity with the other islands because their trend was I believe was increasing because once you get off the grant, you're required to sustain yourself, yeah after the four (4) year period. But we'll be able to provide that.

Mr. Kaneshiro: We'll have that question written.

Ms. Iseri-Carvalho: And I believe I actually inquired of Peter to provide that information which he did so, I know that information is ready available.

Mr. Chang: Obviously the numbers just shoot out with the comparison between Maui County and Hawai'i County, so can they keep up? Are they presently keeping up with their work load and in other words, their obviously not working sixty or seventy hours a week or more per...

Ms. Iseri-Carvalho: I believe all attorney's work really, really hard especially at the Prosecutor's Office but they are able... I mean if you look at Maui's budget which is what half a billion dollars compared to you know ours which is a hundred fifty-three million last year, or the last year that I was here. I mean there's a humongous amount of county money's that they have that they have attributed to you know public safety so they've been able I believe to sustain given the amount of Real Property income that they received but I think all around we have what we call HPAA meetings which is the Hawai'i Prosecuting Association of Attorneys and it consist of all four (4) Prosecuting Attorneys from the counties as well as the US Attorney and the Attorney General and pretty much everybody is experiencing difficulty, it's just that as we've discussed it they're saying that they are more readily to absorb a reduction should there be one because they have

already you know three (3) times as much positions then we do for the amount of population that they have to serve.

Mr. Chang: You know an interesting that you sat where we sat in fact you use to sit here, I think...

Ms. Iseri-Carvalho: Yeah.

Mr. Chang: I'm honored. You remember when your predecessor was asking for things way back when and of course you're asking for things now, are there similarities or was your predecessor asking for...

Ms. Iseri-Carvalho: You know...

Mr. Chang: Staff?

Ms. Iseri-Carvalho: I think there was...

Mr. Chang: I mean with urgency at that time?

Ms. Iseri-Carvalho: I think that there was a difference because there were loss funding, grant funding so it wasn't as if they were able to utilize the four (4) years of funding. Because there were concerns with providing stats, one of the concerns that I learned was because the Prosecutor's Office did not have the ability to comprehensively track the cases that comes into our office and all of the grants requires you to provide statistics and it's impossible for you to do if you don't have a system, and they never had a system I mean I worked their four (4) years before the last... I mean eight (8) years before, so for the last twelve (12) years that we've been there, they have not had a data tracking system, what they did have was... they were literally hand counting and ask Jamie... every time there was a grant it was so inefficient because she would have to count all the numbers, hand count all the files, they were kept on index cards, and she would have to go through the index cards to track every type of disposition which took an huge amount of time and they weren't able to do that and so a lot of the compliance with the grant funding that they did have, they weren't able to comply with the requirements and so there was I believe a lack of continuation of grant funding. Here... we have utilized every opportunity of grant funding, we've got the highest amount of grants. Last year before the LEC commission which is the Law Enforcement Coalition Commission that reviews all of the stimulus grants, out of... we had three (3) applications that we provided, our office and we were granted funding for all three (3), no other agency had received that amount of success for grant funding. Last year alone, we received over a million dollars in grant funding because we aggressively pursued grant funding. And so that's where I think was a difference in whether we want to come to the county initially to fund these positions or do we want to exhaust every other opportunity that the Federals are providing, Federal grant moneys are providing and that's where the difference is, we've been able to sustain a lot because we've been using our grant funding positions which is fifty percent (50%) of what the county has in order to sustain the additional caseload but when you look at it now it's almost impossible given the percentage increases that we've had in crime.

Mr. Chang: And of course obviously economically 2004 and 2006 were happy times...

Ms. Iseri-Carvalho: Good year.

Mr. Chang: Every thing was good, a lot of people had money well to commend yourself, Jamie and Cyndi when we look at page eleven (11) with your salary savings and

the projected savings that's totally... very close to four hundred sixty thousand dollars so, congratulations on that. Chair, I don't have any extra questions, thank you.

Mr. Kaneshiro: Okay. Any other members of the Committee have any other questions?

Ms. Kawahara: I had one (1) more because I forgot about... You know last year we were talking about...

Mr. Kaneshiro: Okay you have the floor.

Ms. Kawahara: Thank you Budget Chair... Last year we were talking about twenty-four/seven and I see that you have on-call attorney's and wireless phones so you're still twenty-four/seven for the Police?

Ms. Iseri-Carvalho: What we have now is that...

Ms. Kawahara: (inaudible)

Ms. Iseri-Carvalho: Yeah we are available no matter what time they want to call, they have my cell number. They... sometimes choose to call and sometimes not but we are available to the Police Department.

Ms. Kawahara: And at that point do you folks process stuff or you just take the call, write it down and then come back to it during the day.

Ms. Iseri-Carvalho: No the Judges are actually on-call twenty-four/seven because you have a... what you call a probable cause packet, it has to do be done within forty-eight (48) hours and if you have a weekend... for example if you... if a person commits a crime on Friday evening and it's a Holiday, you have to get to a Judge on the Sunday or else that person will be released from custody.

Ms. Kawahara: So not to you but to a Judge.

Ms. Iseri-Carvalho: To... to a Judge first and then... usually what happens if they would call us to review the packet to ensure that all of the elements of the offense have been met and then we'll send it over to the Judge, so the Judge doesn't have to do that and then the Judge signs that packet and then the first thing that we come back to court, if Monday is a holiday on Tuesday we have to arraign the person already and then from there we have forty-eight (48) hours to bring all our witnesses to establish a probable cause hearing.

Ms. Kawahara: Okay so that's functioning well between you and the Judges because you get called by the Police then you got to do something to get to the Judges.

Ms. Iseri-Carvalho: We... we function. We're doing the best that we can... you know some days you have twelve (12) people get arrested over the weekend and some days you have two (2) you know it just... and that's the difficulty and the uniqueness of our office is that you can't predict when crime is going to happen and so yeah you know some people might say well maybe we can stagger or but you really can't because if you have one (1) attorney there there's no way that one attorney is going to handle twelve (12) felony cases over a weekend period.

Ms. Kawahara: Okay thank you.

Mr. Kaneshiro: Okay? Thank you for that. With that the Chair will be also forwarding a question to the Prosecutor's Office and if possible what I would like to see is that instead of population, some of the cases. Cases that Hawai'i County handles, Maui County handles, in comparison to how many attorney's they have. So if it's a possibility that will also help us as we go through the deliberation process but I'll go ahead and get a letter over to you or question request.

Ms. Iseri-Carvalho: Sure.

Mr. Kaneshiro: In that regards...

Ms. Iseri-Carvalho: And, and...

Mr. Kaneshiro: And I see by population and so forth but you know at the same time many of this can help. You know in our deliberation process when we see the cases involve.

Ms. Iseri-Carvalho: We actually have I believe Jamie from the Judiciary where we can show you the aggravated assaults amounts...

Mr. Kaneshiro: For different counties and stuff... That will help us out (inaudible) so I'll send that over just to give a heads up.

Ms. Iseri-Carvalho: Sure.

Mr. Kaneshiro: Okay alright. If not thank you very much.

Ms. Iseri-Carvalho: Thank you. I appreciate...

Mr. Kaneshiro: For being here today and I want to I guess thank the staff for putting this PowerPoint together, very good job and with that I'm going to recess this till Monday morning, so we'll be back here Monday morning where we'll be taking on the Fire Department, so we'll recess till 9:00...

The Prosecutor's Office/Victim Witness departmental budget review concluded at 3:23 p.m., and there being no objections, the meeting was in recess.